

Message Text

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ORIGIN L-03

INFO OCT-01 ARA-06 ISO-00 SNM-02 JUSE-00 CPR-01 SCA-01

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DRAFTED BY L/SFP:LGFIELDS:JR.BT

APPROVED BY S/NM:S.VANCE

ARA/LA:GEBROWN

ARA/LA/BC:RPACE

AUSA,EDVA:RMDERMOTT,JR. (PHONE)

DOJ:KMUELLENBET (SUBSTANCE)

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FM SECSTATE WASHDC

TO AMEMBASSY LA PAZ IMMEDIATE

C O N F I D E N T I A L STATE 194601

E.O. 11652:GDS

TAGS: SNAR, BL

SUBJECT: NARCOTICS COOPERATION INITIATIVE: COCAINE
CONSPIRACY CASE (U.S. V. ARAMAYO-BERNAL ET EL)

REF: A. LA PAZ 6165 B. LA PAZ 6179

FOR AMBASSADOR

1. WE ARE DELIGHTED TO LEARN OF PROMPT AND COOPERATIVE
ACTION TAKEN BY GOB WITH RESPECT TO COCAINE CONSPIRACY
CASE ESPECIALLY THE ARREST OF TWO MAJOR FIGURES REPORTED
REF B. ASIDE FROM ITS IMMEDIATE IMPLICATIONS FOR THE
SUBJECT CASE, IT IS A HOPEFUL PRECURSOR FOR COOPERATION IN
A LARGER AREA OF ANTI-COCAINE TRAFFICKING ENFORCEMENT. THE
EXTENT OF GOB WILLINGNESS TO JOIN IN THIS ENFORCEMENT
EFFORT IS A TRIBUTE TO EFFECTIVE MANNER IN WHICH EMBASSY HAS
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NURTURED A COOPERATIVE ATTITUDE ON PART OF KEY GOB OFFICIALS

AND ALL CONCERNED WITH THIS WELCOMED RESPONSE ARE TO BE
COMMENDED.

2. THE BASIC DECISION ON THE OVERALL BOLIVIAN PROGRAM HAS
NOT YET BEEN TAKEN, BUT IS EXPECTED MOMENTARILY. GOB
COOPERATION IN THIS CURRENT INSTANCE WILL BE HELPFUL TO
ILLUSTRATE BOLIVIAN INTENTIONS IN ENFORCEMENT COOPERATION.

3. THE MATTER OF PUBLICITY HAS BEEN TAKEN UP WITH BOTH
DEPARTMENT OF JUSTICE AND DEA. IT IS NOT UNUSUAL TO HAVE
PRESS CONFERENCES ON NOTABLE CASES, SUCH AS THIS ONE, AS
THEY DO PROVIDE AN OPPORTUNITY TO DEMONSTRATE EFFECTIVE-
NESS OF LAW ENFORCEMENT IN AREAS OF PUBLIC CONCERN. HOW-
EVER, LATE ON AUGUST 5, PRIOR TO RECEIPT OF REFTEL A, DEA
ADMINISTRATOR GAVE PRESS RELEASE TO WASHINGTON POST
DEALING WITH FLIGHT OF ARAMAYO AND LOPEZ FROM U.S.
JURISDICTION DUE TO LENIENT BAIL (\$15,000). RATIONALE
FOR RELEASE WAS TO UNDERSCORE ADMINISTRATION'S CONCERN OVER
PROBLEM OF BAIL REFORM ACT WHICH HAS ENABLED DEFENDANTS TO
FLEE AND AVOID PROSECUTION. LEGISLATION TO CORRECT THIS
HAS BEEN INTRODUCED BY THE PRESIDENT AS PART OF THE
NARCOTICS PACKAGE RECENTLY SUBMITTED TO CONGRESS. RELEASE
DOES GO INTO SOME ASPECTS OF CASE BUT IN LESS DETAIL THAN
INITIAL PRESS COVERAGE OF THE INDICTMENT. THE IMPLICATIONS
OF SUCH PUBLICITY FOR BOLIVIAN LEGAL PROCESSES HAVE NOW
BEEN MADE KNOWN TO ALL CONCERNED AND YOU MAY BE ASSURED
THAT NO REPEAT NO FURTHER PUBLICITY WILL BE GIVEN TO THIS
CASE THROUGH ANY USG INITIATIVE. FYI: STRONG POSSIBILITY
PRESS WILL COVER ARRAIGNMENT ON AUGUST 9 OF DEFENDANTS
BEING HELD IN U.S. NO WAY THIS CAN BE AVOIDED. END FYI.

4. AS TO PROSPECTS FOR EXTRADITION OF BOLIVIAN DEFENDANTS
THE 1902 EXTRADITION TREATY (TS 399) DOES NOT INCLUDE
NARCOTICS OFFENSES AND EXTRADITABLE CRIMES UNDER ARTICLE II.
MOREOVER, ARTICLE V PROVIDES THAT NEITHER COUNTRY IS
"BOUND TO DELIVER UP ITS OWN CITIZENS OR SUBJECTS UNDER THE
THE STIPULATIONS OF THIS TREATY." LA PAZ 6987 (OCTOBER 6,
1975) ADVISED THAT GOB HAD RATIFIED BOTH 1961 SINGLE
CONVENTION AND 1972 AMENDING PROTOCOL BY DECREE LAW 12906
OF SEPTEMBER 30, 1975; HOWEVER RECORDS OF NEITHER DEPT
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SECRETARY GENERAL OF UN (DEPOSITORY FOR RATIFICATIONS/
ACCESSIONS) INDICATE THAT GOB HAS COMPLIED WITH REQUIREMENTS
OF ARTICLE 40 BY DEPOSITING AN INSTRUMENT OF RATIFICATION/
ACCESSION WITH UNSYG. IF BOLIVIA BECOMES A PARTY TO THE
AMENDED SINGLE CONVENTION THEN ARTICLE 36 (2) (B) (1)
WOULD HAVE THE EFFECT OF AMENDING OUR BILATERAL EXTRADITION
TREATY TO INCLUDE NARCOTICS OFFENSES (SEE ARTICLE 36 FOR
FULL ENUMERATION OF OFFENSES). GOB SHOULD BE ENCOURAGED

TO GIVE LEGAL EFFECT TO ITS INTENDED RATIFICATION BY
DEPOSITING ITS INSTRUMENT OF RATIFICATION/ACCESSION ASAP.

5. THE PREFERRED ACTION WOULD BE TO HAVE GOB PROSECUTE
BOLIVIAN TRAFFICKERS UNDER ITS LAW. ASSIST. LEGAL ADVISER
FIELDS REVIEWED PROVISIONS OF NEW BOLIVIAN NARCOTICS LAW
AND FEEL THAT THERE IS A LEGAL BASIS FOR BOLIVIAN PROSECU-
TION; HOWEVER, THIS WILL BE SUBJECT OF DISCUSSIONS BETWEEN
BOLIVIAN OFFICIALS AND U.S. TEAM. TEAM WILL PROBABLY

INCLUDE FIELDS, AUSA/ROBERT F. MCDERMOTT, JR. AND JUSTICE
DEPT NARCOTICS SECTION CHIEF KURT MUELLENBERG. EARLIEST
POSSIBLE DATE FOR TEAM VISIT IS BEING SOUGHT AND YOU WILL
BE ADVISED ASAP. IT IS ANTICIPATED THAT TEAM WILL BRING
ALL AVAILABLE DOCUMENTATION ON THIS CASE FOR THESE
DISCUSSIONS. PURPOSE OF THIS TRIP IS TO DETERMINE GOB/
LEGAL REQUIREMENTS SO AVAILABLE EVIDENCE IN U.S. CAN BE
TAILORED TO MEET NEEDS AND TRANSMITTED TO GOB VERY
PROMPTLY. WE ARE AWARE OF URGENCY IN VIEW GOB ACTION IN
ARRESTING KEY FIGURE IN THIS CASE. HABIB

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